

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

ROBERT NEITHERCOTT,)
)
)
Plaintiff,) Case No. C10-765-JCC
)
)
v.)
)
MICHAEL ASTRUE, Commissioner of the)
Social Security Administration,)
)
)
Defendant.)

Plaintiff Robert Netihercott seeks judicial review of the denial of his application for disability insurance benefits by the Commissioner of the Social Security Administration. Dkt. 18. The parties stipulate the case should be reversed and remanded for further administrative proceedings pursuant to sentence four of 42 U.S.C. § 405(g). Dkt. 22.

The Court has considered the parties' stipulation and the record and recommends the case be **REVERSED** and **REMANDED** under sentence four of 42 U.S.C. § 405(g), for further administrative proceedings as set forth below:

The Administrative Law Judge will conduct a new hearing to (1) further evaluate the medical opinion evidence of record, including the opinion of Leland Rogge, M.D.; (2) reassess the plaintiff's residual functional capacity; and (3) obtain supplemental vocational expert testimony to address the plaintiff's ability to do other work at step five that is consistent with the assessed RFC.

Plaintiff may present new arguments and new medical evidence.

The Court also recommends plaintiff's application for costs and attorney's fees be considered under 28 U.S.C. § 2412.

Because the parties have stipulated that the case be remanded as set forth above, the Court recommends that United States District Judge John C. Coughenour immediately approve this Report and Recommendation and order the case **REVERSED** and **REMANDED** for further administrative proceedings. A proposed order accompanies this Report and Recommendation.

DATED this 26th day of October, 2010.


BRIAN A. TSUCHIDA
United States Magistrate Judge